DOINGS IN THE SCHOOLS

WHERE IS MR. EMMERICH TO PUT ALL HIS CHILDREN!

Class Day Celebrated by the M. T. H S.-Notes of Shortridge High School and Butler College.

Yesterday was the seventh anniversary of the opening of the Manual Training the most enjoyable meetings since its or- Message of Patriotism." Mr. Offutt's home High School. While no special programme was prepared for the anniversary, the "class day" programme was used. Prof. on "Maintenance and Operations of Tele-Emmerich, in talking of the growth of the school, said that when the school was built it was intended for 500 children. "When the school was thrown open for the reception of pupils seven years ago," he said, "the enrollment exceeded the arrangements provided by the School Board by twenty-six. Since that time we have steadily increased, until during this term just closed we had over 1,100 students. It becomes a difficult problem to find seating room for this large number of children, when the space was built for seating comfortably but 500 children. Here we have class day and but fifty-four of the pupils graduate. Of these thirty-four will return as post-graduates, and we must find room for them.

"Now, look here," and Professor Emmerich displayed a number of slips of paper neatly packed in two bundles, "these are applications from pupils of the 8A grade who finish their studies in the district schools this week. In these bundles I have the names of 333 children who want admission to this school. There are 471 pupils in the district schools who will graduate this week. You see 333 of these want to come to this school, while the re- | Saturday. mainder go to the Shortridge High School. As we have about 1,100 pupils now in this school, the incoming children will swell the total atendance to nearly three times the number for which the place was planned. How we are going to find room to place all these children has begun to worry us. You see that on the day the school opened it outgrew its home.'

Exercises in Grade Schools.

The graduating exercises of the 8A pupils | year and who is now attending the It is understood the mayor assured his in- as its state agent. After serving as agent of the Shortridge Annex will be held tomorrow afternoon, at 2:30 o'clock, in the High School hall. A musical and literary programme has been arranged, which will include an invocation by the Rev. J. Cumming Smith, an address by the Rev. Worth M. Tippy and presentation of diplomas by Franklin S. Hoyt. The school chorus, under the direction of Alice Fleming Evans, will render several numbers. Following are the members of the class: Roy Egan Bowsher, David Newbigging Calderhead, Thomas Newbigging Calderhead, Lottie Madeline Conner, James Mark Crawford, Alta Floy Darnell, Frances Elizabeth Hall, Zola May Harlan, Harry Dehler Hoffman, Clarence Dudley Jester, Eva Mary Kleifgen, Charles Walter Nicholas, Walter De Witt Niman, Margaret Florence O'Toole, Charles Monroe Poore, Dollie Viola Root, Ellen Russell, Floradine Irma Schlesz, Hugo Schissel, Hazel May Shoptaugh, Wiliam Peter Sindlinger, Harry Elsworth Smith, Lena Mamie Taylor, George Raymond Taylor.

At many of the schools pupils will be graduated from the 8 A grade to-morrow. At school No. 10 the following programme has been prepared for the afternoon: Psalm xc, class; "Lead, Kindly Light," chorus; "greeting," Madge Cramer; "Last chorus; class history, Robert "Believe Me," double quartet; "Daniel Webster," Jesse Cline; cornet solo, Bruce Parcels; class exercises, Helen Laird, Jesse Johnson, Edna Quigley; "Spinning Chorus' (Wagner), chorus; class prophecy, Olive Moore; lullaby, Miss Edna Burks and chorus; presentation of diplomas, Miss Colgan; "Image of the Rose" (Reichardt), class; class gift, Nellie Ridnath; "Goodbye," William McAbee; "Auld Lang Syne,"

Lecture at the Propylacum.

Prof. E. R. Johnson, of the University of Pennsylvania, will deliver a lecture tomorrow night in the Propylaeum on "The Isthmian Canal." It is said Professor Johnson has given much study to transportation. In May, 1899, he was appointed expert agent of the United States Industrial appointed by President McKinley to the preparing a report on the project of building a canal across the American isthmus. In his lecture this evening Mr. Johnson will explain why the commission decided to recommend the Panama route. He will use a number of stereopticon views. The lecture is one of the university series.

-CLASS DAY AT M. T. H. S.

Appropriate, if Grotesque, Things

seniors of the Manual Training High School | and Ernest Cohn. was neld yesterday in an appropriate manner. At 10 o'clock about six hundred students filed into the auditorium for the be ginning of the exercises. The main halis and auditorium were elaborately decorated with the class color-royal purple. Long streamers swung from the corners of the hall on Monday evening. halls. In nearly every conspicuous place orchestra gave the opening number. At the close of this Glenn Diddle, president of the class, came forward to give a few introductory remarks. The manner in which he strode to the front of the rostrum was an day evening at their hall on Central aveincentive for a great laugh from his fellow- nue. students. He said he wished to "make the last will and testament of the class," and in so doing brought to view presents for the teachers and officials. Professor Emmerich, who is custodian of the gymnasium fund of \$752, was given a miniature bank. Robert Hall, who has charge of the building during the noon hour, and who acts as a guardian of the peace, was also remembered by the students. He was given a tin badge which measures twenty inches across. Mr. Bean, secretary to Professor Emmerich, was given a fountain pen five to-day. The candidates are Will Long and feet long and fourteen inches in diameter. Mr. Cox, who is prominent in the teachers' quartet, was given a pitchfork, which, Diddle said, would do for a tuningfork. ington street in honor of the newly mar-The captains of the two athletic bodies were also remembered. To the baseball Mrs. W. F. Kelly, Mr. and Mrs. C. B. Colecaptain three small porcelain pitchers were presented; to the captain of the football eleven a piece of genuine pigskin was given. A selection by the orchestra was followed by the reading of the class history by Miss Elizabeth Everitt. This was followed by a song by the school, the class poem by Miss Mary Arndt and the "Song of the Evening" from "Tannhauser" by the orchestra. The class prophecy, given by Thomas Sheerin. was one of the features of the exercises. While the "class day" was held yesterday, the fifty-four students will not receive their diplomas until the end of the June term. Twenty of the students who graduated yesterday will not return to school. while the remaining thirty-four will return as post-graduates for the remaining half term. Following are the members of the class: Mary A. Arndt, Ruby B. Yeaton. Elizabeth Everitt, Lillian Bohnstadt, Sallie Redding Bosley, Bessie Frey, Albert F. Bernd, Eleanor A. Hodson, Edwin F Hamp, Fred A. Hamp, Bertha L. Hoss, Arthur L. Strauss, A. Glenn Diddle, Emory Cox, Fred C. Domroese, Emma Kempf, Alma Duden, Clarence Miller, Earl Bash, Harry C. Coppock, Emma M. Blaich, Leslie | the most encouraging for many years, All H. Maxwell, Harry L. Ogborn, William G. Kaylor, Robert Sweeney, J. Sloan Kittle, Gaughey, and the new material exceeds Lin Smith, Grover E. Phillips, Stacey B. Lindley, Ralph C. Li Beau, Frederick H. saying is that "every student is a ball Burnette, Thomas D. Sheerin, Karl L. Monninger, Joe Allison Miner, Fred Doeppers, have the best team in the State. The weak Roy W. Howard, William Raleigh Wheeler, John Clifford Stuckenberg, Curt H. Ackerlow, Ernest R. Walker, Bessie L. Sherman, Waynesville, O., promises to fill that po-Winifred E. McHugh, Kent Bender, How- sition in a highly creditable way. There ard Stewart, Fletcher Owen Duvall, Ada are three experienced pitchers in school Boeunnger, Martin E. Quinn, Mary Clara | who intend to try for the team. Mr. Kelly Brennan, Bessa Lee Hollis, Lula Bell Ed- will secure the services of one of the In-

Notes of the M. T. H. S.

the Puritans at her home. Ina Williams has been made a member of the team. Practice is held in the gym-

of the society known as "The Tyroleans." The class of June, 1903, has chosen the following motto: "We finish but to begin." The Hykya "fraf" has chosen a new set of officers, as follows: Thomas D. Sheerin, president; Leslie Maxwell, vice president, and Stacey Landley, treasurer.

Sherman chaperoned the girls.

The M. T. H. S. Literary and Debating Club at its last meeting turned its attention to musicians. Sketches of the lines of Mozart, Wagner and Mendelssohn were given. The following were lately chosen officers of the Tyroleans: President, Jennette Wright; vice president, Ethel Goode; secretary, Bessie Landis, and treasurer, Ida

A reception will be given at the school to-morrow evening by the class of June, '02, for the members of the January, '02 class. | been sold. Most of the seats also have been One of the largest rooms will be cleared for dancing, and refreshments will be served. Samuel J. Offutt, who represents Butler, Only members of the classes and the is a member of the senior class. This is his faculty are invited.

The M. T. H. S. Science and Chemistry ganization. Ernest Walker read a paper "Adulterations of Foods." Frank Welch, a visitor, entertained the club with a talk

The M. T. H. S. Forum Debating Society at its last meeting held a debate on the question, "Resolved, That the expensive social function of the rich are more injurious than beneficial." Sadie Hensle led the affirmative argument and Clarence Martin defended the negative. The judges decided in favor of the latter.

The new editorial management of the Mirror is as follows: Leading editor, Harry Carlisle; literary editor, Harry Hunt; athletics, James Gilchrist; personal editors, Flossy Wills and Nell Pease; locals, Charles Jennings; exchange editor, William Cappis James McPheeters is business manager and Nathan Redding will have charge of the advertising department. The first edition of the paper under the new management will be put out Feb. 17.

Notes of Shortridge.

Orin Pearson will leave soon for Florida, where he will spend several months. zations is a club known as "The Indians."

The civil government pupils, chaperoned

tertained on Monday by Miss Roe Rob-

returned from abroad, lectured before the senior class yesterday morning, his sub-ject being "The Ear and the Sense of

afternoon, will have vacation for the next two weeks, owing to the changes that are

Woman's College, Baltimore, has been chosen vice president of her class, in which there are 125 members. The Shortridge Debating Club will meet a week from Monday and discuss the ques-

"Should a business man have a colledge education?" Edwin Little, Frankwood Williams and Raymond Spruance will lead the arguments. The mock trials of the civil government classes, which occur at the close of every

school term, were completed yesterday. In most instances the cases were interesting. The following pupils acted as judges: Emma Allison, James Gipe, Howard Griffith, Elsie Reynolds and Josie Messing. The Oratorical Association has selected a pin to present to those who win honor

in oratory. It is a very pretty design, consisting of a laurel wreath, a Grecian column and a scroll. Besides the date of the year the pin bears the words "S. O." (Shortridge oratory) on an enameled monogram All persons who have won first in past primaries or who win first or second in the future will be given one of these pins. Several pupils from Miss Hall's afternoon English classes recently presented the court scene from "The Merchant of Venice" before the school. The parts were all well taken, especially those of Shylock and Herissa. The cast was as follows: Shylock, Carl Brickert; Portia, Edith Socweil; Duke of Venice, Sumner Clancy; Antonio, Moses Aronson; Bassanio, Ward Fisher; Gratiano, Lewis Morrison; Nerissa, Katherine Smiley.

An important meeting of the senior class of 1902 was held in the hall vesterday, at which it was decided what to do with the proceeds of the coming book fair. As angymnasium fund will be founded. There was a good deal of comment on the action of the class in voting away money before they had earned it, but, as the feeling for a "gym" fund is so strong, it is not thought a kick will be made.

The junior class of 1903 is now becoming thoroughly organized. A pin has ben selected by the class, and the colors and motto have been decided on. The pin is a shield of dark green enamel, on which the monogram is embossed in gold. The pin will cost each member of the class \$2.35. Green Commission, which position he held for a and gold were chosen as colors for the year, in June of the same year he was class. There was quite a good deal of talk over the motto, but a line from Bacon was Isthmian Canal Commission, engaged in at last selected. It is: "Studies pass into the character.'

The first "open" meeting of the Oratorical Club was held yesterday afternoon. Admission was by invitation only, and the room was filled. This organization was started about two years ago by Miss Donnan, and has been remarkably successful. Its purpose is to study orations, and many of the school's best speakers received their training in this club. The best orations vesterday afternoon were delivered by Frank Doudican, Winnifred Kennedy, William Hill and Carl Brickert. Others who The "class day" of the January, '02, Ferd Kahn, Sadie Mays, Sumner Clancy

Butler College Notes.

Miss Hazel Reeves spent Tuesday at her Mr. Roy Pierce, of Westfield, visited college friends ruesday, The Sigma Chis will give a dance in their

Albert Heaton, of Indiapapolis, is a newly pledged Phi Delta Theta The Delta Tau Theta fraternity has issued invitations for a party on Feb. 27. The Phi Delta Thetas will dance Satur-

The play "Midsummer Night's Dream." to be given by the young women of the Residence, has been postponed and will be given two weeks from to-day. The Kappas of Butler will entertain the

visiting Kappas, attending the oratorical contest, with a spread at the home of Mrs. B. Coleman to-morrow evening Paul Murray has been elected captain of the track team. The manager will be elect-

ed at a meeting of the Athletic-Association Charles Barrett.

Prof. and Mrs. J. D. Forest will entertain this evening at their home on Washried professors and their wives, Mr. and man and Mr. and Mrs. W. J. Karslake. In spite of the rough game with the Y M. C. A. Saturday night the basketball players are in excellent condition and expect to have no difficulty in defeating Wabash to-morrow afternoon. The Wabash team has improved much since it played in Indianapolis, as shown by the score it made against I. U. The game will be hotly contested, the advantage being with But-

ler. The game will be called at 3:30 a'clock. The following girls were chosen to compete for positions on the first basketball team: Forwards, Essie Hunter, Nellie Senour, Nina Ely and Lulu Kellar; centers, Helen Downing, Mary Smith; guards, May Vance, Mary Baldwin, Blanche Boston and Johnny Carpenter. A game has been sched- to the corner of Meek and Leota streets. uled with Earlham for Feb. 17, at Richmond. The team to represent Butler in that game will be picked from these players a few days before the game. A game is also to be played with the Indiana girls in Indianapolis some time before the end of the month.

The prospects for baseball at Butler are of last year's players are back but Mcthat of any previous year. The common player." Mr. Kelly says that Butler should position of last year's team was behind the bat. This year Harry I. Dodson, of Bowan, Lynn O. Knowlton, Louis and a host of infielders and outfielders, dianapolis players to coach the team during its first few weeks of practice. Games with De Pauw, Earlham, Wabash, Franklin and Hanover have been arranged, but Miss Flossy Wills recently entertained their dates have not been fixed. Roy Adney is manager and Emmitt Huggins captain

nasium each day. To-morrow will be a gaia day at college. The day is set apart in observance of the fifty-second anniversary of Founders' day. In the morning at 19:20 the students of the college classes will give a farce on some phase of college life. The play will take place in the college chapel and the public is The Hana Batake society of Japanese invited. In the afternoon at 3:30 the basket- Mrs. Hattle Bradt will have charge of the maidens attended English's Tuesday even- ball teams of Butlet and Wabash will meet | services to-day. The meetings will be

man entertained the club at supper, after which there was a "slumber" party. Mrs. Tomlinson Hall. The following colleges will NEWS FROM THE COURTS man entertained the club at supper, after | State oratorical contest will be held at be represented by an orator and a delega-tion of rooters: Butler, Wabash, Earlham, Franklin, De Pauw and Hanover, The orators are Samuel J. Offutt, of Butler; Joseph Kenney, of Earlham; J. F. Gibboney, of Hanover; J. M. Devers, of De Pauw; A. C. Everingham, of Franklin, and Raymond R. Alexander, of Wabash. Butler has been making great preparation for this college event. New yells have been composed and practiced at mass meetings, held each day this week. The Y. M. C. A. girls have made over a hundred Butler banners which have sold. The students will attend en masse. third year at college. Last year he won second place in the primary oratorical Club met Monday afternoon and had one of meeting. The subject of his oration is "A is in Greenfield.

SOME CITIZENS SAY THEY WILL IN-VOKE THE REFERENDUM.

Annexationists Determine that Town Board Shall Not Give a Water Works Franchise.

The leaders of the annexation movement in Irvington yesterday announced their intention of invoking either the aid of the Appellate Court Decides on the Width courts or taking advantage of the law of the referendum if the Town Board takes The latest addition to the social organi- the action anticipated for Saturday night in granting the City Water Company of The Do Do Club of junior girls was en- Irvington a franchise to construct and operate a water works plant. A prominent Irvingtonian, who is a heavy property by Miss Donnan, visited the Statehouse on | holder in the town, called Mayor Bookwalter by telephone yesterday and informed Dr. Charles A. Pfafflin, who has recently him that the above decision had been reached. He was told also that it made little difference whether the Council delayed further in taking the town into the city, for The Senate, which meets every Friday the reason that a more effective, far- this plat was never accepted by the city. reaching victory over the anti-annexationtaking place now, this being the end of ists might be obtained by an appeal to Jean Rawles, who was graduated last by a mere vote of the Indianapolis Council. of being discharged from his employment board grants a franchise to the water com-

> Attorney Charles Clark said yesterday: "There is no question that the Town Board intends to grant a franchise, and if it does it will be doing an illegal thing. There is a law which provides that no corporation may take stock in another, and if Irvington is to buy \$2,000 worth of stock in the water works scheme it would be a direct violation of that law. We will either enjoin the board or else we will appeal to the people through the referendum. I am confident that we have three-fourths of the voters of the town with us on the annexation

Senator James T. Layman, who hitherto has been counted in the ranks of the antiannexationists with Frank Davenport and others, yesterday came out strongly for annexation to Indianapolis. His son, Theo-Layman, a member of the Town Board, also authorized a statement to the effect that he favors union with Indianap-Senator Layman expresses the belief that the salvation of the town of Irvington depends on immediate annexation. gives as one reason for his views the fact that the Town Board is insisting on putting in water works over the protest of taxpayers. The senator has heard that members of the Town Board made the threat that they are going to pass the water works ordinance next Saturday night whether the people want it or not. It is claimed by the friends of the annexation movement that nounced in the Journal some time ago a | if the matter were left to a vote, not fifty persons would sustain the Town Board in

MORE STREET-CAR TRACKS.

Mr. McGowan Asks Permission to Make Extensions.

Hugh J. McGowan, president of the Indianapolis Street-railway Company, yesterday petitioned the Board of Public Works for the right to lay tracks on Ohio street between Pennsylvania street and Capitol avenue, on Market street between Illinois street, connecting these extensions with curves and tracks in all directions with the main lines of the company. Mr. McGowan stated that one reason for the extension asked is to furnish terminals

for the interurban companies. Washingtonstreet congestion would be relieved in a large measure, he said, if the board should grant the petition. The request was taken under advisement.

These Buildings Smoke.

Building Inspector Bartel yesterday filed affidavits against the following properties for alleged violations of the smoke ordinance: The owners of the Ardmore block, Knights of Pythias.

Safety Board Reorganizes.

The Board of Public Safety reorganized yesterday. Conrad Keller was made president and R. H. Bryson took his seat as a resignation of Frank Smith, formerly a member of hose company No. 14.

Pool Match To-Night. The pool match between H. Stofft and Charles Weston, that was announced to have been played last night, will be played to-night at 117 North Illinois street.

BOARD OF WORKS ROUTINE.

PETITIONS FILED. For graveling and grading the roadway and paving with cement the walks of Bradbury street, from Shelby street to Boyd avenue For permision to lay a private side-track across Sixteenth street and the alley north of Sixteenth street, adjacent to the Big Four tracks; filed by the United States

Encaustic tile works. REMONSTRANCES FILED. Against the construction of a local sewer in Stuart street, from Twenty-fifth street to Glenn drive. Against vacating the first alley east of

East street, from New York street to Miami RESOLUTIONS ADOPTED. For the construction of a local sewer in Columbia avenue, from Twentieth street to Thirteenth street.

PETITIONS GRANTED. To remove one-story frame buildings from Nos. 712, 714, 716 and 718 Meek street

CITY NEWS ITEMS.

The office of the Free Kindergarten Soclety has been removed to Room 5. Hartford block, No. 148 East Market street. A valentine sale will be given by the Daughters of the King of Grace Cathedral on Saturday afternoon and evening at the

Diocesan House, 1501 Central avenue. At a meeting of the executive committee of the Fanciers' Association of Indiana it was decided to hold their next annual exhibition of poultry, dogs, pet stock, etc., in this city Dec. 3 to 9.

avenue and employed at the Lion Clothing Manufacturing Company, on South Penn- judgment against defendant for costs. sylvania street, fell into an elevator shaft the factory yesterday. He suffered a He was taken to St. Vincent's Hospital. The Probate Court yesterday issued to Andrew and Mary Garrity guardianship papers for the baby that was found a few days ago on the doorstep at the home of D. P. Erwin. The mother, Mildred Martin, waived her right to the child, which has

been cared for since its desertion at the Orphans' Asylum. Two good-sized audiences were present yesterday afternoon and last night at the W. C. T. U. revival services in the Alliance Temple, on North East street. Mrs. E. M. Houghton, State and national evangelist, of Richmond, has charge of the meetings, ing. After the theater Miss Bessie Sher- at the Y. M. C. A. In the evening the brought to a close to-morrow night.

SUIT TO FORCE AMANDA ROBINSON TO GIVE UP \$2,000.

She Says She Got It for Services to Nancy J. Everitt-Decisions of Higher Courts.

The suit of William F. Churchman, special administrator of the estate of Nancy J. Everitt, for \$2,000, which, he alleges, belongs to the estate, was on trial yesterday before Judge Allen, of the Circuit Court. Mrs. Amanda Robinson is the defendant. Before Mrs. Everitt died Mrs. Robinson cared for her. While she was ill she sold her property for \$2,600 and spent about \$400 in the payment of debts and expenses, leaving a balance of about \$2,200, which is deposited in a bank. Before she died, Mrs. Robinson says, Mrs. Everitt gave her the money for her services. Mrs. Everitt's will leaves her property to an absent son, with a provision that, if he is found within ten years, it shall go to him. To straighten the matter out Mr. Churchman was appointed special administrator. ----

IN THE HIGHER COURTS.

of Massachusetts Avenue.

The Appellate Court yesterday affirmed the judgment holding that Massachusetts avenue is only eighty feet wide northeast of East street, being the width it is now improved instead of ninety feet, as claimed by the Indianapolis city officials. The tenfoot strip of land in dispute has been occupied for many years. The claim advanced by the city was founded on an old plat of a subdivision made in 1836, by which Massachusetts avenue at this point is shown to be ninety feet wide. The court held that The Supreme Court affirmed the judgment for the defendant in the suit by Jacob Frankel against the Michigan Mutual Life either one of the recourses mentioned than Insurance Company for damages on account formant that the proper course would be to pany by conveying to it land worth \$3,000. invoke the aid of the referendum if the His wife had the deed set aside by the court on the ground that the deed was intended as a mortgage. The company then discharged Frankel. Each then sued the other, but the court decided in favor of the defendant in both cases, holding that under their agreement neither could recover damages from the other. The Appellate Court held that the school

> contractor who paved the street that runs past the high school building in that town. Judge Henley said that public property of any kind cannot be assessed for improving a road or street unless there is a statute making it subject to assessment.

DAVIS'S PLEA REFUSED.

Washington Banker May Not Withdraw His "Not Guilty."

Judge John H. Baker, of the United States Court, has declined to allow Richard C. Davis, of Washington, charged with embezzlement, to withdraw his plea of "not guilty" and file demurrers to the indictment against him. The court says that "no showing has been made why a demurrer was not interposed at or before the time the defendant pleaded not guilty, nor is any excuse offered for a delay of something over two months after the entry of the plea before application was made to withdraw the same." Referring to the fourth count of the indictment the court says: 'If upon the trial the defendant should be found guilty as charged in the fourth count of the indictment and the court after such conviction should still entertain doubt of the sufficiency of that count it could protect the rights of the defendant by either quashing the count or suspending sentence upon it.'

Franz Stefeneke's Jewels.

Judge Carter, of the Superior Court, yesterday ordered Franz Stefeneke and his wife to bring certain jewels into court or go to jail. The order was issued on a suit in replevin instituted by Alexander Mesner. Mesner brought Stefeneke and his wife street and Capitol avenue and on Capitol from Poland to this country and also loaned them money, taking the jewels as security. Later Stefeneke represented to Mesner that if he had the jewels he could sell them and pay the \$100 which was still owing. Mesner alleged in his suit that he gave Stefeneke his jewels, but the latter had not paid him the money.

Says Husband Descried Her.

Bertha M. Storms yesterday filed suit against her husband, Guy T. Storms, for divorce. She alleges that he left her in June, 1899, without any means of support and did not return until February, 1901. During that time, she says, he sent her but \$175. In the meantime, she avers, she had to place their three-year-old girl in the Massachusetts avenue; the owners of the home of an aunt, and their son, four years Taggart block, at Nos. 222 and 224 Massa- old, in the Orphans' Home. When her hus- tribute to the man behind the gun. The chusetts avenue, and the Grand Lodge of | Land returned they moved to Fort Wayne, and, she says, he again left her.

Vernon Insurance Company.

Judge McMaster, of the Superior Court, vesterday ordered the Marion Trust Company, receiver of the Vernon Insurance new member. The board accepted the Company, to collect all unpaid claims and defend such suits as are pending against it. The assets of the company are estimated at about \$70,000, but the liabilities are unknown. Claims must be filed within ninety days.

Street-Car Conductor Sues.

John Cross yesterday brought suit against the street car company for \$10,000 damages. He was a conductor and alleges that a car striking a low joint of the rails caused the car to jerk and threw a passenger against him, causing him to fall to the

payement and receive permanent injuries. Petition in Bankruptey. Fred Wilhelm, a farmer of Grant county. has filed a petition in bankruptcy. His lia-

bilities are \$6,232.67 and his assets are \$70. THE COURT RECORD.

SUPERIOR COURT.

Room 1-John L. McMaster, Judge, McNamar-Koester Foundry Company vs. Foster Bailey et al.; on note. Finding and judgment for plaintiff on first paragraph of complaint for \$150.25 and costs; finding and judgment for plaintiff on second paragraph of complaint for \$54.56 and costs. Addie Groves vs. M. J. Groves; on note. Plaintiff files dismissal; judgment against plaintiff for costs. Jeannette Bucy vs. Amos Bucy; divorce. Finding and decree for plaintiff; defendant ordered to pay the sum of \$25 for ex-

penses in prosecuting this action. Room 3-Vinson Carter, Judge. Giblin & Co. vs. E. L. Aughinbaugh: on notes. Finding and judgment against defendant for \$164.85 and costs. CIRCUIT COURT.

Henry Clay Allen, Judge, William F. Prince vs. Annie Prince; divorce. Finding for defendant; divorce denied; judgment against plaintiff for costs. Della L. Brandenberger vs. Charles Brandenberger; divorce. Submitted to court; finding for plaintiff; decree of divorce; plaintiff's maiden name, Della L. Gowdy, James Sampson, living at \$24 Fort Wayne | restored; defendant ordered to pay \$20 into court in sixty days for plaintiff's attorney; State ex rel. Clara Hostler vs. Fred Geisendorff; bastardy. Suitable provision made broken hip and bad cuts about the head. | for support of child; cause dismissed; judgment against defendant for costs. Amelia E. Bearholdt vs. Herman Bearholdt et al.; for support. Dismissed for want of prosecution; judgment against plaintiff for costs. American Car and Foundry Company vs. The Vimotum Company; on account and in

attachment. Submitted to court: finding for plaintiff; attachment sustained and goods ordered sold; judgment for \$1,573.65 and costs. William F. Churchman, special administrator, etc., vs. Nancy J. Everett et al.; petition for possession of funds. Submitted to court; evidence heard,

NEW SUITS FILED. M. T. Johnson; on account. Circuit Court. lets, the celebrated Cold and Grip Cure. 25c.

J. C. Perry & Co. vs. M. T. Johnson; on account. Circuit Court. Alice Whitcomb vs. Charles Whitcomb; divorce. Superior Court, Room 8. John Cross vs. Indianapolis Street-railway Company; damages. Demand, \$10,000. Cir-

cuit Court. Bertha M. Storms vs. Guy T. Storms; divorce. Circuit Court. Blanche Lang vs. Charles Lang; divorce. Superior Court, Room 2.

HIGHER COURTS' RECORD. SUPREME COURT.

19360. Frankel vs. Michigan, etc., Insur-

ance Company. Hendricks C. C. Affirmed. Dowling, J.-1. In an action by an agent against an insurance company for a percentage of subsequent paid premiums, after the termination of the contract of employment between the agent and company, which contract provided upon its termination such agent should be entitled to such compensation, the agent cannot recover when it is further provided that on account of a breach of the contract or by failure to do certain things, if required, he thereby forfeits all rights thereunder and it is shown that the agent terminated his contract by a breach of such conditions. 2. Where a suit is based upon a written contract, which is filed with the complaint as an exhibit, in pleading a defense arising out of the same contract it is sufficient to refer to the contract as an exhibit, already on file. 3. Where by contract of employment it is made the duty of an agent to pay over and remit all moneys collected by him immediately after collecting them, on failure to do so the employer may sue the agent at once for breach of contract. 19774. Fenstermaker vs. Holman. Grant C. C. Affirmed. Monks, J.-1. Only a life it affirmatively appears from the will that a greater estate was intended. 2. Where a testator in clear and distinct terms provided that at the death of his wife the real estate devised to her should go to certain other heirs, his widow only took a life es tate in the land devised to her. 19720. Whittenberger vs. Bower. Huntington C. C. Leave granted to index. 19728. T., H. & I. Railroad Company vs. State ex rel. Ketcham. Marion S. C. Appellee given sixty days from date to file

-Minute.-19415. The P., C., C. & St. L. Rallway Company vs. Ernestine Machler et al. Laporte C. C. Appellant's points (8.) Appellees' brief (3.)

-New Case.-19779. Nappanee Canning Company et a vs. Reid, Murdock & Co. et al. Elkhart C C. Transferred under act of 1901 from Appellate Court (3685.)

APPELLATE COURT. 2715. City of Indianapolis vs. Board of Church Extension. Marion S. C. Affirmed. On the 31st day of December, 1901 Wiley, J.-An acceptance by a city of a part of a street shown on a recorded plat, and repeated improvements of such part for over fifty years, is an abandonment or relinquishment of that portion not occupied

or improved. 4002. Tucker vs. White. Johnson C. C. Reversed. Comstock, C. J.-A guardian of minors cannot, in his official capacity, bring an action to recover possession of real estate belonging to his ward. 3412. Shewalter vs. Hamilton, Oil Company. Jay C. C. Affirmed. Black, J .- 1. In order for a party to recover the evitown of Montpelier was not liable to the dence must sustain the theory of his complaint. 2. An objection that a question is incompetent and immaterial, and did not tend to support any of the issues joined in the cause, is not sufficiently specific to present any question on the admissibility of

> cannot assess school property for the construction of a street in front of it, nor can a school city contract for the construction of such street. 3685. Canning Company vs. Reid-Murdock Company. Elkhart C. C. Transferred to Supreme Court. 3481. Carlin vs. Leary. Marion C. C.

> Transfer to Supreme Court denied. -Minutes.-3872. Mary J. Wagner vs. Rebecca S Carskaddon, Marion S. C. Appellant's brief on appeal from Appellate Court (4.) 4216. John P. Evans vs. Olive L. Odem et al. Allen C. C. Appellees' objection to motion to amend, etc. 4322. Consumers' Gas Trust Company vs. American Plate Glass Company et al. Appellees' petition for oral argument. Appellees' petition to advance. 3544. South Chicago City Railway Com-

pany vs. Charles Zerler, sr. Laporte S. C. Appellee's brief (8.) 4293. The Wabash Railroad Company vs. Cincinnati, Richmond & Muncie Railroad Miami C. C. Appellant's brief (8) on motion to dismiss.

-New Case.-

4332. People's State Bank vs. Frank X

Ruxer. Spencer C. C. Record. Assignment of errors. PRESENTS FOR SCHLEY

Loving Cup and Hickory Cane from

Citizens of Knoxville.

KNOXVILLE, Tenn., Feb. 5 .- The warmth of the welcome extended Admiral and Mrs. | this office. Schley in Knoxville to-day has never been exceeded in this city. It found a climax to-night in a banquet given by the Chamber of Commerce in honor of the admiral. Seated around the banquet board at the woman's building were 150 of the city's most prominent business and professional men While this affair was in progress Mrs. Schley was the guest of prominent matrons in another room of the building at a course dinner. After the dinner the ladies were escorted into the main banquet hall and the toasts were begun. Admiral Schley's subject was "The American Sailor," and in handling the subject he paid a beautiful admiral was presented with a beautifu loving cup from the Chamber of Com-

At 11 o'clock this morning there was a parade in which the distinguished guest formed the central figure. After the parade there was a public reception in the woman's building, where Admiral Schley shook the hands of thousands of admirers. The formal On the 31st day of December, 1901 address of welcome was extended by President W. A. Lockett, of the Chamber of Commerce. Past Grand Commander S. B. Dow, of Tennessee Knights Templars, presented to Admiral Schley a handsome sil- It is located at No. 346 Broadway, New ver-headed hickory cane. The hickory was cut from the site of Admiral Farragut's birth place and early home, thirteen miles west of this city. Upon the head was the inscription. "To Admiral Schley from Couer de Lion Commandery No. 9, Knights Templar, Knoxville, Tenn.'

Must Give Schley Full Credit.

FRANKFORT, Ky., Feb. 5.-The House to-day advanced the bill which prohibits the use of any kind of book in Kentucky schools that does not give full credit to Schley for the Santiago victory. The committee on education reported it adversely but the House, by a vote of 38 to 32, adtee notwithstanding.

REV. A. MACKEY-SMITH CHOSEN.

Elected Condjutor to Bishop Whittaker, Diocese of Pennsylvania. PHILADELPHIA, Feb. 5.-The clergy of Accrued interest the Protestant Episcopal diocese of Pennsylvania to-day decided upon the Rev. A. Mackay-Smith, D. D., rector of St. John's Church, Washington, D. C., as coadjutor to Bishop Whittaker. The selection was later ratified by the lay delegates to the special conference, called for the sole purpose of naming a bishop coadjutor. Only one ballot was taken. It resulted as foilows: Rev. Dr. Mackay-Smith, 95; Rev. Dr.

regarded as the most likely candidate. Another Ohio Tax Measure,

Richard H. Neison, rector of old St. Peter's

Church, Philadelphia, 76, and 11 scattering,

making a total of 182, and electing the suc-

cessful candidate by a majority of 3. The

strength manifested at yesterday's session

by the Rev. Dr. Nelson, caused him to be

result of the ballot was a surprise, as the

COLUMBUS, O., Feb. 5.-A bill was introduced in the legislature this afternoon propremiums of all foreign life, fire and accident companies, including assessment and stipulated premium companies. It is estimated that the bill will raise about the said original statement is now on file in \$600,000 for the State. The measure also re- this office. duces the levy for the support of the offices of the State fire marshal from onehalf of one per cent to one-fourth of one per cent, on the gross premiums of foreign fire companies. All revenue from this tax is to go to the State. Another bill provides for an annual tax of one-twentieth of one per cent. on the gross assets of building and loan associations.

E. W. GROVE.

This name must appear on every box of J. C. Perry & Co. vs. William H. and the genuine Laxative Bromo-Quinine Tab-

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If I Were King Justin Huntly McCarthy W

"The best romantic novel of the

The story of the play in which Mr.

E. H. Sothern has scored the greatest

last five years."

success of his career. Twenty-four Illustrations. Of all booksellers, or of the publisher R. H. RUSSELL, New York

asthma Catarrh

Copy of Statement of the Condition OF THE

Home Life Insurance Co.

It is located at No. 256 Broadway, New York city, N. Y.

GEORGE E. IDE, President. ELLIS W. GLADWIN, Secretary.

The amount of its capital paid up is., 125,000 The Assets of the Company are as follows:

The amount of its capital is.....\$125,000

Cash in office, banks and trust 3475. Sutton vs. School City of Montpeljer. Real estate unincumbered...... 1,794,799.40 Blackford C. C. Affirmed. Henley, J.-The Bonds and stocks owned by the board of trustees of an incorporated town company, bearing interest at the rate of 31/2, 4, 41/2, 5, 6, 7, 8, 10 and 16 per cent., as per schedule filed...... 5,767,864.40 Loans on bonds and mortgages of real estate, worth double the amount for which the same is

mortgaged, and free from any prior incumbrance 3,962,900.00 Debts otherwise secured...... 765,350.31 Debts for premiums..... 72,020.70 All other securities.....

Total admitted assets......\$13,370,862.75 LIABILITIES. \$49,708.00 Losses unadjusted Losses in suspense, waiting for 33,000.00 further proof Set aside by company to meet

possible fluctuation in price of securities All other claims against the company Amount necessary to reinsure outstanding risks, 3, 31/2 and 4 per cent. interest...... 11,833,853.00

The greatest amount in any one risk \$25,000. State of Indiana, Office of Auditor of State. I, the undersigned, auditor of state of the State of Indiana, hereby certify that the above is a correct copy of the statement of the condition of the above-mentioned company on the 31st day of December, 1901, as

the said origial statement is now on file in In testimony whereof I hereunto subscribe my name and affix my offi-[SEAL.] cial seal this 3d day of February, W. H. HART,

Auditor of State. 618-619-620 Stevenson Bldg.

Copy of Statement of the Condition

OF THE NATIONAL CHIDETY CO SUKEIT CU.

York, N. Y.

CHARLES A. DEAN, President. BALLARD M'CALL, Secretary.

The amount of its capital is..... The amount of its capital paid up is .. 500,000

The Assets of the Company are as follows:

Cash on hand and in banks \$170,380.21 vanced the bill, the report of the commit- Real estate unincumbered 91,775.00 Bonds owned by the company, bearing interest at the rate of 31/2 and 4 per cent., secured as follows: United States government bonds 69,337,00 New York city bonds...... 1,054,137,00 Brooklyn city bonds..... 69:015.50

Debts otherwise secured...... 12,744.02 Debts for premiums...... 44,098.30 Total assets\$1,519,041.19 LIABILITIES

Losses in process of adjustment., \$24,319.19

Losses resisted by company

claims

\$50,000.

Special reserve for contragent

All other claims against the company Amount necessary to reinsure outstanding risks...... 308,852.80 Total liabilities\$476,546.68 The greatest amount in any one risk,

State of Indiana, Office of Auditor of State. I, the undersigned, auditor of state of the State of Indiana, hereby certify that the above is a correct copy of the statement of INDIANAPOLIS & GREENFIELD RAPID viding for a tax of 3 per cent. on the gross | the condition of the above-mentioned company on the 31st day of December, 1901, as shown by the original statement, and that

> In testimony whereof I hereunto subscribe my name and affix my offi-[SEAL.] cial seal this 3d day of February. W. H. HART, Auditor of State.

A. W. WISHARD GENERAL AGENT, 605, 606 STEVENSON BUILDING.

Copy of Statement of the Condition OF THE

UNITED STATES BRANCH

OF THE Guarantee Corpora-

tion, Limited, On the 31st day of December, 1901

Home Office-London, England.

American Head Office-Located at No. 346 Broadway, New York city, N. Y.

The amount of its deposit capital is .. \$250,000

OSCAR ISING, General Manager.

The Assets of the Company in the United States

are as follows: Cash on hand and in the hands of agents or other persons...... Bonds owned by the company,

bearing interest at the rate of filed as per schedule Debts for premiums (net)...... 72,467.37

Total assets\$1,814,842.43 LIABILITIES. Losses adjusted and due, losses ad-

justed and not due, losses unadjusted, losses in suspense, waiting for further proof All other claims against the cor-Amount necessary to reinsure outstanding risks 436,058.75

Total liabilities\$604,071.78

I, the undersigned, auditor of state of the

State of Indiana, hereby certify that the

the condition of the above-mentioned com-

State of Indiana, Office of Auditor of State.

pany on the 31st day of December, 1901, as shown by the original statement, and that the said original statement is now on file in In testimony whereof I hereunto subscribe my name and affix my offi-[SEAL.] cial seal this 3d day of February,

JNO. WOCHER & BRO.,

ÆTNA BUILDING.

W. H. HART,

Auditor of State.

RAILROAD TIME CARD. P. M. time is in BLACK figures. Trains marked thus: *-Daily; S-Sleeper; P-Parior Car; C-Chair Car; D-Dining Car; †-Except Sunday.

BIG FOUR ROUTE. City Ticket Office, No. 1 East Washington St. CLEVELAND LINE. *4.45 leveland, New York and Boston ex, s. *4.35 *10.40 Fort Wayne express. Union City and Cleveland scrom . New York and Boston limited, d s....*2.55 N. Y. and Bos. "Knickerbocker." d s *6.25 BENTON HARBOR LINE Renton Harbor express . Senton Harbor express, p Wabash accommodation 44.45 ST. LOUIS LINE.

it. Louis southwestern, lim, d s St. Louis limited, ds ... Terre Haute and Mattoon accom .. *11.20 St. Louis express, 8. CHICAGO LINE. Lafayette accommodation ... Lafayette accommodation. Chicago fast mail, d p. 3.30 Chicago White City special, d p...

Chicago night express, s CINCINNATI LINE. *12.05 Total liabilities\$12,060,731.19 Cincinnati express, s Cincinnati express, s ... Cincinnati accommodation.... Cincinnati accommodation .. *2.50 Cincinnati express, p., Greensburg accommodation.

PEORIA LINE. Peoria, Bloomington, m and ex Peoria and Bloomington, fex. dp ... 4.10 hampaign accommodation, pd..... shown by the original statement, and that Columbus and Springfield ex Ohio special, d p... ************

Lynn accommodation.....

CIN., HAM. & DAYTON RY. City Ticket Office, 25 W. Wash. St. Cincinnati express, s c... *4.00 Cincinnati fast mail, s.... *8.21 Cin. and Dayton ex, p ... +10.40 *10.32 *7.02 Foledo and Detroit express......

CHI., IND. & LOUIS RY. Ticket Office, 23 West Wash St Chi'go night ex, s. . 19.25 Chicago fas. mali, s, pd LAKE ERIE & WESTERN R. R. Toledo, Chicago and Michigan ex +7.00

Toledo, Detroit and Chicago lim....*12.20 +3.25 Muncie, Lafayette and Laporte spec.+7.20 +10.25 INDIANA, DECATUR & WESTERN R'Y. Decatur and St. Louis mail and ex 18.00 Chicago express, p.d... Tuscola accommodation Decatur and St. Louis fast ex, s c ... *11.10 Ticket offices at station and at ennsylvania Lines. corner Illinois and Washing-Radelphia and New York ...

.*8.30 *10.30 .*3.30 *10.30 .*3.45 *12.00 Columbus, Ind. and Louisville. Columbus, Ind. and Louisville. Piqua and Columbus, O. Richmond. Columbus, Ind. & Madison. .18,00 Martinsville Accomodation..... imbus, Ind. and Louisville North Vernon and Madison Dayton and Kenia. Pittsburg and East, Phil., New York. *8.96 *12.10 *10.00 *3.45 Martinsville Accom. *112.30 +12.05 ogansport and Chicago. Martinsville Accommodation 0 +1 25 +2 00 -3 05 +12 10 -3 05 +12 10 -3 05 +12 10 *11.00 incennes Acc 4.00 Louisville and Madison. *5.00 Pittsburg and East .. Columbus, Pittsburg and East. pencer Accommodation . disville Accommodation hil and New York, "The Limited"

Dayton and Xenia Richmond Accommodation. Martinsville Accommodation Logansport and Chlengo . VANDALIA LINE. St. Louis limited Terre Haute, St. Louis and West. Terre Haute, St. Louis and West *13.15 Western Express +1,20 Terre Haute and Effingham Ace. .14.00

Terre Haute and St. Louis fast mail .. 7. 10 St. Louis and all points West*11.20 "Daily. 'Daily except Sunday. 'Sunday only. INTERURBAN TIME CARD. 85,872.00 UNION TRACTION CO. OF INDIANA

> Station-Union Block, 119 West Maryland Street. For America, Muncie, Marion, Edwood, Alexangria and intermediate stations-Leave 4:15 a. m. and each hour thereafter until Tils p. m., bills p. m. and lills p. m. Limited trains for Anderson and Muncie-Leave 8:00 and 11:00 a. m., 7:00 and 5:00 p. m., arriving Anderson in one hour and twenty-five minutes and Muncie in two hours. 11:00 a. m.

at Anderson with limited trains for Elwood. TRANSIT COMPANY.

PASSENGER CARS .- Leave Georgia and Meridian streets. First car at 6 a. m., and hourly thereafter until 10 p. m. Last car leaves at FREIGHT CARS.-Arrives at Georgia and Meridian streets at 8 a. m. and leaves at 9 a. m. Also arrives at 2:30 and leaves at 3:30 p. m. COMBINATION, PASSENGER AND EX-PRESS CARS.-Leave Georgia and Meridian streets at 6 a. m., 9 a. m., 12 noon, 3 p. m., 6 p.

INDIANAPOLIS, GREENWOOD & FRANKLIN R. R. CO. Passenger cars leave Pennsylvania and Washington streets. First car at 6 a. m. and hourly thereafter until 10 p. m. Last car leaves at 11:11 Combination passenger and express leaves Georgia and Meridian streets for Greenwood only

at 9:30 a. m. and 3:30 p. m.

m., 9 p. m.